

Department of Justice

§0.117

§0.114 Fees for services.

(a) The United States Marshals Service shall routinely collect fees according to the following schedule:

(1) For process forwarded for service for one U.S. Marshals Service Office or suboffice to another—\$3.00 per item forwarded;

(2) For process served by mail—\$3.00 per item mailed;

(3) For process served or executed personally—\$40.00 per item minimum if served by one U.S. Marshals Service employee, agent, or contractor in two regular office hours (duty hours) or less, or \$50.00 per item minimum if served by one U.S. Marshals Service employee, agent, or contractor in two overtime hours (non-duty hours) or less, plus travel costs and any other out-of-pocket expenses. For each additional hour, or portion thereof, and/or each additional U.S. Marshals Service employee, agent, or contractor—\$20.00 per duty hour (\$25.00 per non-duty hours) for each item served, plus travel costs and any other out-of-pocket expenses. Travel costs, including mileage, shall be calculated according to 5 U.S.C. chapter 57.

(4) For copies at the request of any party—\$.10 per page.

(5) For keeping and advertisement of property attached—actual expenses incurred.

(b) The United States Marshals Service shall collect the fees enumerated in paragraph (a) of this section, where applicable, even when process is returned to the court or the party unexecuted, as long as service is endeavored.

(c) Pursuant to 28 U.S.C. 565, the Director of the United States Marshals Service is authorized to use funds appropriated for the Service to make payments for expenses incurred pursuant to personal services contracts and cooperative agreements for the service of summonses on complaints, subpoenas, and notices, and for security guards.

(d) The United States Marshals Service shall collect a commission of 3 percent of the first \$1,000 collected and 1.5 percent on the excess of any sum over \$1,000, for seizing or levying on property (including seizures in admiralty), disposing of such property by sale, setoff, or otherwise, and receiving and paying over money, except that the

amount of commission shall not be less than \$100.00 and shall not exceed \$50,000. The U.S. Marshal's commission shall apply to all judicially ordered sales and/or execution sales, including but not limited to all private mortgage foreclosure sales, if the property is not disposed of by Marshal's sale, the commission shall be set by the court within the range established above.

[56 FR 2437, Jan 23, 1991]

§0.115 General functions.

(a) The Executive Office for Immigration Review shall be headed by a Director who shall be assisted by a Deputy Director. The Director shall be responsible for the general supervision of the Board of Immigration Appeals, the Office of the Chief Immigration Judge, and the Office of the Chief Administrative Hearing Officer in the execution of their duties.

(b) The Director may redelegate the authority delegated to him by the Attorney General to the Deputy Director, the Chairman of the Board of Immigration Appeals, the Chief Immigration Judge, or the Chief Administrative Hearing Officer.

[Order No. 2180-98, 63 FR 51519, Sept. 28, 1998]

§0.116 Board of Immigration Appeals.

The Board of Immigration Appeals shall consist of a Chairman, two Vice Chairmen, and eighteen other members. The Chairman shall be responsible for providing supervision and establishing internal operating procedures of the Board in the exercise of its authorities and responsibilities as delineated in 8 CFR 3.1 through 3.8.

[Order 1237-87, 52 FR 44971, Nov. 24, 1987, as amended by Order 1992-95, 60 FR 53268, Oct. 13, 1995; Order No. 2062-96, 61 FR 59305, Nov. 22, 1996; Order No. 2180-98, 63 FR 51519, Sept. 28, 1998; Order No. 2297-2000, 65 FR 20069, Apr. 14, 2000]

§0.117 Office of Chief Immigration Judge.

The Chief Immigration Judge shall provide general supervision to the Immigration Judges in performance of their duties in accordance with the Immigration and Nationality Act, 8 U.S.C. 1226 and 1252 and 8 CFR 3.9.